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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In re Amendment of Section 73.202(b)	)	
of the Commission's Rules, Table of Allotments,	)	MM Docket No. 99-167
FM Broadcast Stations	)	RM-9391
(MOUNT OLIVE AND STAUNTON, ILLINOIS)	)	

To: The Chief, Allocations Branch, Mass Media Bureau

COMMENTS

Talley Broadcasting Corporation (*TBC*), by its communications counsel, hereby files his Comments in response to the Notice of Proposed Rule Making in the instant proceeding, DA 99-899, released May 14, 1999 (the *NPRM*).

1. In response to TBC's Petition for Rule Making, the Commission issued the NPRM, which proposes the reallocation of Channel 287A from Mount Olive, Illinois to Staunton, Illinois as Staunton's first local service, and to modify the unbuild construction permit for radio station WAOX(FM) (formerly WSTN-FM) that TBC holds for Channel 287A at Mount Olive, Illinois, so as to specify Staunton as its community of license.

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2. The NPRM recognizes that Staunton is worthy of an allotment. TBC agrees and states its intent to implement a first local service to Staunton. TBC will, if the Commission deems it necessary, to apply for a construction permit to implement the change in community of license. However, in the interest of expedition, TBC requests permission to implement the community change through a license application to be filed within ten days after the station commences program tests pursuant to § 73.1620, because:

- the community change requires no physical change in facilities (no change in transmitter site, frequency, ERP, etc.); and
- TBC has no present intention of implementing any change in its authorized facilities that would require a construction permit.

This fully comports with the practice of allowing stations not changing Class or site to implement simple channel changes, adopted in rule making, via an after-the-fact license application. (Indeed, the Commission even allows Class A stations changing channels and increasing to 6000 Watts ERP on their new channels without a construction permit.)

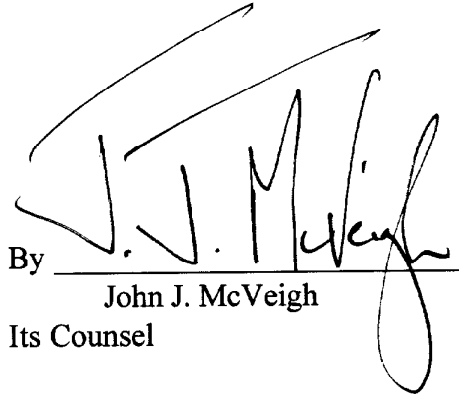
3. Allowing TBC to so implement the community change without first obtaining a modified construction permit will save the Commission's Audio Services Division from processing a ministerial application, and will enable TBC to commence service to Staunton months sooner than if TBC must first obtain a modified construction permit for facilities that the Commission has already authorized (save for community of license).

**CONCLUSION**

For the reasons stated above, the FCC should promptly adopt a *Report and Order* implementing TBC's proposal.

Respectfully submitted,

**TALLEY BROADCASTING CORPORATION**

  
By \_\_\_\_\_  
John J. McVeigh  
Its Counsel

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